

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MICHAEL S. HAMMERLY,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,Defendant.

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CASE NO. 5:23-cv-01211

OPINION & ORDER
[Resolving Docs. 1, 11]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Michael Hammerly seeks judicial review of the Social Security Commissioner's final decision denying his application for Supplemental Security Income.¹

On May 28, 2024, Magistrate Judge Knapp issued a Report and Recommendation ("R&R") recommending that the Court vacate and remand the Commissioner's final decision.² The Commissioner's objections were due on June 11, 2024.³ The Commissioner did not file objections.

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.⁴ Absent objection, district courts may adopt an R&R without review.⁵ The Commissioner did not object to the R&R, so this Court may adopt Magistrate Judge Knapp's R&R without further review.

¹ Doc. 1. Plaintiff and Defendant filed merits briefs. Docs. 8, 9. Plaintiff filed a reply. Doc. 10.

² Doc. 11.

³ Parties have fourteen days to file objections to a Magistrate Judge's R&R. LR 72.3(b).

⁴ 28 U.S.C. § 636(b)(1).

⁵ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

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Accordingly, the Court **ADOPTS** Magistrate Judge Knapp's R&R, **VACATES** the Commissioner's final decision, and **REMANDS** this case for further proceedings consistent with this Order and Magistrate Judge Knapp's R&R.

IT IS SO ORDERED.

Dated: June 18, 2024

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE